UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2002/NGO/45
24 January 2002

ENGLISH ONLY

COMMISSION ON HUMAN RIGHTS
Fifty-eighth session
Item 14 (a) of the provisional agenda

SPECIFIC GROUPS AND INDIVIDUALS: MIGRANT WORKERS

Written statement* submitted by Human Rights Advocates International, a non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 January 2002]

*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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ENG

Violations of Migrant Workers Rights

1. There are over 150 million migrants and refugees worldwide.[1] Migrants are present in virtually every sector of the economy; however, they continue to be an unrecognized group and are highly vulnerable to violations of basic rights. Their numbers will continue to grow as receiving countries continue to entice workers with high wages.
2. Migrants risk their lives to arrive in receiving countries. Border policies of both sending and receiving nations result in great danger, and often in death, by forcing migrants into dangerous areas. Additionally, bodies lie undiscovered and unidentified in border areas, leaving families to wonder what has become of migrants.
3. Migrants successful in arriving in receiving countries are exposed to inhumane treatment therein. Large numbers of migrants, including children, are employed in agriculture and exposed to dangerous pesticides, resulting in short and long-term health effects and in death. This statement will focus on the right to life of migrants on the borders of nations and the right to health of migrants and their exposure to pesticides.

Border Deaths and Unidentified Bodies

UNITED STATES

4. Despite increases in border resources, the most recent General Accounting Office report on border enforcement found that militarization of border operations has not deterred illegal migration. Instead, the Immigration and Naturalization Service (AINS@) continues to make record numbers of arrests along the U.S.-Mexico border.[2] INS operations have also shifted migrant traffic from urban crossing points to remote desert areas increasing the number of deaths.
5. The INS estimates that 1,013 migrants died crossing the U.S.-Mexico border between 1997 and 2001.[3] The Mexican Foreign Relations Office, however, reports that over 1,800 migrants have died in this time frame. In 2001, 375 migrant deaths were reported along the border.[4] These numbers are conservative, however, as no one knows how many bodies lie undiscovered.
6. In the meantime, the INS budget increased and border patrol agents doubled, while employer sanctions dropped 97%.[5] In 2000, the number of employer fines was 178 compared to 7,115 fines in 1998.[6]
7. Grupo Beta, established by Mexico to protect migrants on their way to the U.S., is understaffed and ill equipped. Beta agents have installed drums of water at strategic border points to help keep migrants alive.[7]

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[1] *International Migration, Racism, Discrimination and Xenophobia*, International Labour Organization, August 2001.

[2] *INS' Southwest Border Strategy: Resource and Impact Issues Remain After Seven Years*, United States General Accounting Office, August, 2001.

[3] Id.

[4] Claudia Smith, California Rural Legal Assistance Foundation, October 31, 2001 Press release.

[5] *INS' Southwest Border Strategy: Resource and Impact Issues Remain After Seven Years*, United States General Accounting Office, August, 2001.

[6] Id.

[7] James F. Smith, *Mexico's Grupo Beta Tries to Make Life Safer for Migrants*, Los Angeles Times, June 17, 2001.

8. In the region recording the highest number of border deaths, 200 unidentified migrants are buried in the local cemetery.[8] Though coroners' offices try to identify these bodies through use of INS fingerprint records, these records only contain information on migrants that have been previously caught.[9]

MEXICO

9. Migrants on the Southern border are assaulted by bandits, robbed by corrupt police officers, or abandoned by smugglers. Many are also dying. The number of deaths along the border rose to 136 in 2000, up from 29 the previous year. Guatemala, El Salvador and Honduras report that over 260 migrants died in 2000.[10]
10. Recently a program was established to return Central American migrants back to their home countries, rather than the Guatemala border. This could force migrants to undertake more lethal border crossings in the dense jungle bordering the countries.

CUBA

11. U.S. policy towards Cuba results in increased trafficking and in large amounts of Cubans trying to reach Florida. The U.S. intercepted 739 Cubans at sea by November 2001.[11] On November 20, 2001 U.S. officials found a capsized speedboat thought to have been carrying 30 Cuban migrants who were being smuggled to the U.S. No bodies were found. In 1998, 14 people died and in 1994 about 40 people died due to boats sinking.[12]

EUROPE

12. In Western Europe 300,000 to 500,000 migrants arrive yearly via the Straits of Gibraltar.[13] The number is much higher than that of the United States. The Straits have been called the largest mass grave in Europe, with deaths resulting from drowning, burns brought on by soaking in a toxic mix of saltwater and gasoline, and boats being hit by tankers and ferries sailing through the busy Straits.[14] Between 1997 and 2000, over 3,000 migrants died crossing the Straits.[15] In 2001, over 13,000 migrants were intercepted entering Spain, doubling the previous year=s cases. Casualties have also increased. In Algeciras, a southwestern port, there is a public cemetery where hundreds of unidentified migrants are buried. Police have successfully identified about 50 bodies.[16]

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[8] Claudia Smith, California Rural Legal Assistance Foundation, October 31, 2001 Press Release.

[9] Ben Fox, *Immigrants come to Anonymous End at Deadly Stretch of Border with Mexico*, North County Times, May 29, 2001.

[10] Ginger Thompson, *Mexico's Open Southern Border Lures Migrants Headed to U.S.*, The New York Times, August 5, 2001.

[11] David Gonzalez, *Boat Found as 30 Cubans are Missing*, The New York Times, November 21, 2001.

[12] Id.

[13] Anton La Guardia, *Trade in Human Misery Worth 8 Billion Pounds, Afghan Refugees are Small Part of a Huge Global Problem*, The Daily Telegraph (London), August 30, 2001.

[14] Paul Harris, *A 1000-mile Trek for Better Life Ends in Death on the Beach*, The Observer, April 15, 2001.

[15] Id.

[16] Sinikka Tarvainen, *Immigrants to Spain Brave Death to Fulfill Their Dream*, Deutsche Presse Agenteur, September 30, 2001.

13. In both England and Ireland migrants are smuggled in trucks and have suffocated to death. In June 2000, 54 Chinese migrants suffocated to death in a truck entering England.[17] On December 8, 2001 the bodies of eight migrants were found in a shipping container in Wexford.[18]
14. Eurotunnel is trying to shut down the Red Cross refuge in Sangattte, France, which has become a staging post for migrants headed for England. Four migrants have died and a dozen maimed. In July of 2001, 808 migrants were caught crossing the tunnel. On December 26, 2001, over 500 migrants were caught storming the tunnel.[19]

AFRICA

15. Niger is the new hub where West African migrants converge. Traffic is considered legal and vital to the economy. Lorries packed with 100 or more migrants set out openly from bus stations. Police are corrupt and receive a portion of the smuggling profits. Migration has also caused increased xenophobia in countries like Libya, where in 2000 Libyans murdered 100-500 Africans and burned down the Niger embassy.[20]

16. On February 26, 2001 the Libyan army found 40 migrant survivors in the desert. On May 1, 2001, 140 bodies were found in a truck.[21]

17. The trip to Europe can take up to two years and routes are tortuous and varied. Many migrants walk the journey, even attempting to cross the Sahara. Others die or fall victim to robbers or smugglers and many bodies are never found in the desert.[22]

INDONESIA & AUSTRALIA

18. In October 2001, 374 people drowned in the Java Sea while trying to reach Australia.[23] In December 2000, 160 people drowned off the coast of Australia in a similar incident.[24] In April 2000, more than 250 migrants were feared drowned after three boats went missing between Indonesia and Australia.[25]

SOUTH KOREA

19. In December 2001, the bodies of 25 Chinese migrants were dumped into waters near the southern port of Yosu. The migrants suffocated to death in a crammed fish hold without ventilation and were later dumped overboard.[26]

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[17] Calum Macleod, *Where the Bodies Come From*, The Independent, April 15, 2001.

[18] Brian Lavery, *Irish Police Find 8 People Dead and 5 Sick in Cargo Container*, The New York Times, Sunday, December 9, 2001.

[19] Donald G. McNeill, Jr., *500 Asylum Seekers Try to Dash Through Channel Tunnel*, The New York Times, December 27, 2001.

[20] Id.

[21] Ale Bensaad, *Sahel: Caravan of Despair*, Le Monde Diplomatique, September 2001.

[22] Paul Harris, *A 1000-mile Trek for Better Life Ends in Death on the Beach*, The Observer, April 15, 2001.

[23] Seth Mydans, *Survivors Tell of Many Dead in Sea Disaster Off Indonesia*, The New York Times, October 24, 2001.

[24] Patrick Barkham, *Search For 160 Asylum Seekers Feared Drowned Off Australia*, December 14, 2000.

[25] Id.

[26] *South Korea Apologizes for Deaths of Chinese Illegal Immigrants*, Agence France Presse, October 10, 2001.

EXPOSURE TO PESTICIDES

20. Many migrants take jobs in the agricultural sector, where jobs are plentiful and often reserved for them. These jobs pose some of the most serious health hazards to migrants, exposing them to extremely toxic pesticides. Many laws that govern pesticide exposure do not adequately protect migrants. Additionally, employers oftentimes violate these laws. Children are also exposed to pesticides at an alarming rate both as workers and through their parents contact with pesticides.

21. Exposure to pesticides can cause acute and long-term effects. Acute effects include rashes, vomiting, excessive sweating, dizziness, headaches, muscle pains and cramps, eye irritation, dying back of nerves resulting in loss of motor function, paralysis and muscle atrophy, neurobehavioral effects, and respiratory difficulty. The long-term effects associated with pesticide exposure include cancer, birth defects, and damage to the kidneys, liver and nervous system. Additionally, breast-feeding mothers have been found to carry large amounts of pesticides in their breast milk. [27]

22. Chronic effects of pesticide exposure have not yet been conclusively researched, and even less is known about the combined effects of different pesticides and effects on children and unborn children.[28] Additionally there is little information on the numbers of migrants are employed in agriculture in many countries.

23. RECOMMENDATIONS

24. Human Rights Advocates recommends that the Commission:

- Renew the mandate of the Special Rapporteur.

- The Commission should continue to work toward saving the lives of migrants by asking the Special Rapporteur to:

  - Continue to visit troubled border regions.

  - Encourage coordination between nations and organizations that search for deceased or disappeared migrants and identify steps countries can take to help identify bodies discovered on borders.

  - Identify steps the United Nations can take to help sending countries stem the flow of migrants to receiving countries. Special attention should be paid to smuggling and countries= role in preventing or promoting this illicit economy.

  - Promote and encourage coordination among governments of sending and receiving countries to combine lifesaving and risk reduction programs with efforts to reduce smuggling.

- With respect to right to health in working conditions:

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[27] Id.

[28] *Pesticides: Improvements Needed to Ensure the Safety of Farmworkers and Their Children*, United States General Accounting Office, March 2000.

- Seek recognition among countries on the danger of pesticides and encourage research on the effects of pesticides and exposure of migrants to pesticides.

- Encourage treatment, education and proper equipment for migrants handling pesticides.

- Seek the elimination of pesticides endangering the health and well being of migrants.

- Recommend enforcement of stiffer penalties for growers that violate the right to health and safety of migrants. Encourage strict regulations that monitor field entry for fields recently sprayed.

- Encourage creation of a worldwide certification system for farms that do not expose workers to dangerous pesticides.